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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,367	01/22/2004	Yoshifumi Katsuya	60188-758	3420

7590 11/20/2008
Jack Q. Lever, Jr.
McDERMOTT, WILL & EMERY
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Washington, DC 20005-3096

EXAMINER

EHNE, CHARLES

ART UNIT	PAPER NUMBER
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2113

MAIL DATE	DELIVERY MODE
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11/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/761,367	Applicant(s) KATSUYA, YOSHIFUMI	
	Examiner CHARLES EHNE	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/25/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

All references have now been considered by the Examiner. The Japanese Office Action was mistakenly missed in the previous communication.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hitotsui (2002/0021629).

As to claim 1, Hitotsui discloses a management information correction device for a recording medium on which data and management information for managing playback or recording operation of the data are recorded, the device comprising:

management information holding means for holding the management information recorded in the recording medium (Page 9, ¶0184); and

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correction control means for after data is newly recorded to the recording medium, correcting an abnormal portion of the management information corresponding to the newly recorded data with reference to the management information held in the management information holding means (Page 12, ¶0240 & Page 13, ¶0256).

As to claim 2, Hitotsui discloses the device of claim 1, wherein the correction instruction information from the correction manipulation means includes updating instruction information for updating management information on the recording medium (Page 13, ¶0256), and

the correction control means updates the management information on the recording medium to the corrected management information corresponding to the current recording medium in response to the correction instruction information from the correction manipulation means (Page 13, ¶0257).

As to claim 3, Hitotsui discloses the device of claim 2, further comprising detection means for detecting the setting state of recording permit/prohibit setting means placed on the recording medium for setting whether recording is permitted or prohibited (Page 12, ¶0245),

wherein the correction control means does not update the management information on the recording medium to the corrected management information corresponding to the current recording medium when the detection means detects that the recording permit/prohibit setting means is in the recording prohibit state (Page 12, ¶0251).

As to claim 4, Hitotsui discloses the device of claim 2, wherein the correction manipulation means can output correction instruction information for selecting whether or not to execute the correction of an abnormal portion of the management information corresponding to the current recording medium held in the management information holding means with reference to the management information in the initial state and the updating of the management information on the recording medium to the corrected management information (Pages 14-15, ¶0288).

As to claim 5, Hitotsui discloses the device of claim 2, wherein the correction instruction information output from the correction manipulation means includes return information for selectively instructing whether or not to return the current management information on the recording medium, which has been updated, to the management information before the updating (Page 13, ¶0257)

the management information holding means keeps holding the current management information from the recording medium (Page 13, ¶0256, lines 3-5), and

the management information control means updates the management information on the recording medium and thereafter updates again the management information to the management information before the updating when the return information is included in the correction instruction information from the correction manipulation means (Page 13, ¶0256, lines 5-7).

As to claim 6, Hitotsui discloses the device of any of claims 1, 2, 3 and 4, further comprising playback manipulation means for outputting playback instruction information instructing playback of data starting from a data recording start position when playback

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operation based on the management information fails after the correction of the current management information from the recording medium held in the management information holding means (Page 13, ¶0272),

wherein the correction control means performs playback of data starting from the data recording start position on the recording medium in response to the playback instruction information from the playback manipulation means (Pages 13-14, ¶0274-¶0278).

As to claim 7, Hitotsui discloses the device of any of claims 1, 2, 3 and 4, further comprising recording manipulation means for outputting recording instruction information instructing recording of data starting from a data recording start position when recording operation based on the management information fails after the correction of the current management information from the recording medium held in the management information holding means (Page 13, ¶0272),

wherein the correction control means performs recording of data starting from the data recording start position on the recording medium in response to the recording instruction information from the recording manipulation means (Page 11, ¶0227).

As to claim 8, Hitotsui discloses the device of claim 1, wherein when a header address included in the management information corresponding to the current recording medium is abnormal, the header address is corrected to a header address included in the management information in the initial state (Page 13, ¶0269-¶0273).

Response to Arguments

Applicant's arguments filed 9/9/2008 have been fully considered but they are not persuasive. Applicant states on page 6, "Paragraph 256 is completely silent as to correcting a given management information, let alone a portion which corresponds to the *newly* recorded data *with reference to the management information held in the management information holding means*".

Examiner respectfully disagrees. Hitotsui discloses an RTOC, the RTOC stores management information on the recording medium (Page 13, ¶0262). Once newly added data is recoded on the medium the current RTOC (management information) must be corrected to reflect the newly added data (Page 13, ¶0256 & ¶0257). An example of this would be when a user would remove a track on his or her mini disk and add a new track in place of the old track, before the management information is corrected the old management information would still be referencing a location where the newly added data is located. This management information would need to be corrected to reference the newly added data.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES EHNE whose telephone number is (571)272-2471. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Robert W. Beausoliel, Jr./

Supervisory Patent Examiner, Art Unit 2113